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**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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**CARMEN CIOTOLA,**

**Plaintiff,**

**V.**

**QUARTERBACK  
TRANSPORTATION INC., and,  
BALL METAL BEVERAGE  
CONTAINER CORP.**

**Defendants,**

**V.**

**STAR TRANSPORTATION &  
TRUCKING LLC,**

**Third Party Defendant,**

**OLDCASTLE, INC.  
LIBERTY MUTUAL  
CORPORATION,**

**Defendant/Intervenors**

**CIVIL ACTION – LAW**

**JURY TRIAL DEMANDED**

**NO.: 3:19-CV-753**

**(JUDGE MANNION)**

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**NOTICE TO DEFEND AND CLAIM RIGHTS**

**THE PLAINTIFF, CARMEN CIOTOLA AND THE DEFENDANT,  
QUARTERBACK TRANSPORTATION ARE MAKING JOINT  
APPLICATION FOR THE ENTRY OF CONSENT JUDGMENT/DECREE.**

If you, CHUBB INSURANCE COMPANY (CHUBB), ROYAL AND SUNALLIANCE INSURANCE COMPANY OF CANADA (THROUGH COAST UNDERWRITING LTD), (RSA), THEIR RESPECTIVE PARENT COMPANY(IES), AFFILIATES, SUBSIDIARIES, INSURER(S) AND/OR ATTORNEYS INCLUDING BUNKER AND RAY, THEIR HEIRS, REPRESENTATIVES, EXECUTORS, ADMINISTRATORS, ATTORNEYS, SUCCESSORS AND ASSIGNS), wish to defend and/or object to any of the claims in the following pages, you must take action within twenty (20) days after you are served with this Notice and Joint Application for the Entry of Consent Judgment/Decree by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You, CHUBB INSURANCE COMPANY (CHUBB), ROYAL AND SUNALLIANCE INSURANCE COMPANY OF CANADA (THROUGH COAST UNDERWRITING LTD), (RSA), THEIR RESPECTIVE PARENT COMPANY(IES), AFFILIATES, SUBSIDIARIES, INSURER(S) AND/OR ATTORNEYS INCLUDING BUNKER AND RAY THEIR HEIRS, REPRESENTATIVES, EXECUTORS, ADMINISTRATORS, ATTORNEYS, SUCCESSORS AND ASSIGNS), are warned that if you fail to do so the case may proceed without you and the Consent Judgment/Decree may be entered. The entry of the Consent Judgment/Decree will affect any rights and/or claims you, CHUBB INSURANCE COMPANY (CHUBB), ROYAL AND SUNALLIANCE INSURANCE COMPANY OF CANADA (THROUGH COAST

UNDERWRITING LTD), (RSA), THEIR RESPECTIVE PARENT COMPANY(IES), AFFILIATES, SUBSIDIARIES, INSURER(S) AND/OR ATTORNEYS INCLUDING BUNKER AND RAY THEIR HEIRS, REPRESENTATIVES, EXECUTORS, ADMINISTRATORS, ATTORNEYS, SUCCESSORS AND ASSIGNS), have or may have.

**JOINT APPLICATION FOR ENTRY OF  
CONSENT JUDGMENT/DECREE OF PLAINTIFF CARMEN CIOTOLA  
AND DEFENDANT QUARTERBACK TRANSPORTATION, INC.**

Plaintiff Carmen Ciotola, by and through his legal counsel, Fellerman & Ciarimboli Law, P.C., and Defendant Quarterback Transportation, Inc., by and through its legal counsel Benesch, Friedlander, Coplan & Aronoff LLP, submit this Joint Application for Entry of Consent Judgment/Decree, and in doing so, hereby provide notice to CHUBB INSURANCE COMPANY (CHUBB), ROYAL AND SUNALLIANCE INSURANCE COMPANY OF CANADA (THROUGH COAST UNDERWRITING LTD), (RSA), THEIR RESPECTIVE PARENT COMPANY(IES), AFFILIATES, SUBSIDIARIES, INSURER(S) AND/OR ATTORNEYS INCLUDING BUNKER AND RAY, THEIR HEIRS, REPRESENTATIVES, EXECUTORS, ADMINISTRATORS, ATTORNEYS, SUCCESSORS AND ASSIGNS), of their respective right to defend, challenge and/or intervene to contest the relief sought by the instant Joint Application for Entry of Consent Judgment/Decree and underlying Stipulation for Entry of Consent Judgment. You are hereby warned that if you fail to take action, a judgment that affects your rights may be entered by the United

States District Court for the Middle District of Pennsylvania. You may lose money, or property or other rights important to you.

In support the Joint Application for Entry of Consent Judgment, Plaintiff Carmen Ciotola and Defendant Quarterback Transportation, Inc. aver as follows:

1. Plaintiff Carmen Ciotola (“Plaintiff” or “Mr. Ciotola”) is a 46-year-old competent adult individual who is domiciled at 2 Honey Hole Road, Drums, Pennsylvania 18222, and is a citizen of the Commonwealth of Pennsylvania.

2. Defendant Quarterback Transportation Inc. (hereinafter “Quarterback” or “Defendant”) is a foreign corporation with a physical address of 1210 Sheppard Avenue East, Suite 114, Toronto, Ontario, M2K 1E3, and is a citizen of Canada.

3. Plaintiff and Quarterback will be referred to collectively as “the parties.”

4. As set forth in greater detail in the Stipulation for Entry of Consent Judgment, incorporated fully herein by reference and attached as Exhibit “A,” the parties hereby apply to this Honorable Court for entry of judgment.

5. Under Pennsylvania law, “[a] definite and unequivocal agreement between the parties for the entry of a judgment by consent” vests the court with authority to enter such a judgment. *See Sur. Adm'rs, Inc. v. Guzman*, No. 05-1062, 2007 U.S. Dist. LEXIS 29941 (E.D. Pa. Apr. 19, 2007) *citing* Pennsylvania v. First Nat. Bank & Trust Co. of Easton, 68 Pa. D. & C. 571, 576 (Pa. Com. Pl. 1949).

6. Here, this Honorable Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332 because (a) there is complete diversity of citizenship between Plaintiff and Defendants; and (b) the matter in controversy exceeds the jurisdictional limit.

7. Moreover, the grounds on which the Stipulation for Entry of Consent Judgment were agreed to by the parties is within the general scope of the case set forth in Plaintiff in the Second Amended Complaint. *See* Document 25.

8. Accordingly, because the parties have entered into a definite and unequivocal agreement, the Court has the discretion to enter judgment in the manner agreed to by the parties in the Joint Application for Entry of Consent Judgment. *See* Exhibit “A,” *see also* Sur. Adm'rs, Inc. v. Guzman, *supra*.

**WHEREFORE**, for the reasons set forth in the Stipulation for Entry of Consent Judgment, the parties respectfully request that the Court grant this Joint Application for Entry of Consent Judgment and enter an Order in the form attached hereto.



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Marc S. Blubaugh, Esq.  
Benesch, Friedlander, Coplan & Aronoff LLP  
Counsel for Defendant Quarterback  
Transportation, Inc.

Date: September 15, 2020

A handwritten signature in blue ink, appearing to read 'EJC', is located in the upper left portion of the page.

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Edward J. Ciarimboli, Esq.  
Fellerman & Ciarimboli Law, P.C.  
Counsel for Plaintiff Carmen Ciotola

Date: September 15, 2020